IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

Bail Appl..No. 6533 of 2006

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CRIME NO.330/2006 OF MATTANCHERY POLICE STATION

: PETITIONER/ACCUSED:

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ALVIN SEBASTIAN, S/O. SEBASTIAN,
AGED 18 YEARS, X/1212, AMARAVATHY, FORTKOCHI,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENTS:

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STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 6533/2006**

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**DATED THIS THE 8TH DAY OF NOVEMBER, 2006**

**O R D E R**

The petitioner is the second accused in crime No. 330/2006 of Mattanchery Police Station, for the offence punishable under Sections 141, 143, 147, 427, 323 and 308 IPC read with Section 149 IPC. He along with four other accused had inflicted injuries on the defacto complainant. He is before this Court for an order under Section 438 Cr.P.C.

2. The learned counsel for the petitioner submits that the petitioner also was injured. Therefore, he is hospitalised and is under the police surveillance. The learned counsel further submits that because of the continued police interference, the petitioner, who is only of 18 years old and studying at 12th standard in the local CBSE School, Kochi, is not able to even relax in the hospital. Further submission is that other connected accused had been released on anticipatory bail, by the

Court below.

3. The prosecution submits that the petitioner was the person, who inflicted injury with the sword. Therefore, the recovery of the weapon is necessary.

4. In the above facts situation, I direct the petitioner, the second accused, to surrender before the Investigating Officer, who is investigating crime No.330/2006 of Mattanchery Police Station, immediately on his discharge from the Government Hospital, Karuvelippady.

5. On surrender of the petitioner, the Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court below, according to the law.

6. On production, the learned Magistrate shall hear both sides and pass appropriate orders on merit, on the date of production itself.

7. In the event of the arrest of the petitioner while he is in the Government Hospital, he shall be released on bail, on he executing a bond for Rs.15,000/-,

with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

The application is disposed of as above.

**J.M.JAMES**
**JUDGE**

mrcs